

U.S.S.N. 09/466,640
Final Office Action dated: June 2, 2005
Response dated: August 16, 2005

Page 10 of 15

REMARKS

The undersigned gratefully acknowledges the Examiner's efforts to date and hereby responds again fully to the outstanding office action. Support for the amendment to the Claims appears at least at page 12, lines 30-31 of the originally filed Specification.

Finality of the Office Action

While page 9 of the instant Office Action purports to make this action Final, Applicants rely upon the Office Action Summary as a binding indication that this Office Action is Non-Final. Accordingly, the Applicants respectfully request that the Examiner consider this response filed timely and appropriately under 37 CFR 1.111.

Objection of Oath/Declaration

The Examiner has pointed out that the declaration papers on file with the USPTO do not show the post office address of inventor no. 3 (K. Forbes). It would appear that a poor photocopy of the declaration resulted in the post office address being cut off from the copy on file. The undersigned is still in the process of obtaining the original signature document from previous counsel. If such efforts fail, a supplemental declaration by inventor no. 3 (K. Forbes) will be sought upon indication of allowance.

Objection to Claims 1, 20, 31, 32, and those further dependent therefrom

The Examiner has objected to informalities in the claim language to clarify that such claims are to be performed by a computer. Revisions have been made accordingly and this objection should be now overcome.

Rejection of Claims 8, 9, 29, and 30 under 35 USC §101

The Examiner has rejected 8, 9, 29, and 30 as being directed to non-statutory subject matter. Applicants respectfully disagree, but have nonetheless clarified the preambles of each such claim in order to more clearly claim a tangible advance in the technological arts. As valid precedence for such claim language, Applicants respectfully draw the Examiner's attention to

U.S.S.N. 09/466,640
Final Office Action dated: June 2, 2005
Response dated: August 16, 2005

Page 11 of 15

recent US Patent Nos. 6,907,256 (see claims 9 and 10) and 6,898,183 (see claims 18 and 35) granted from USPTO Group 2600. Accordingly, this rejection should now be overcome.

Rejection of Claims 1, 3-6, 8-11, 13-16, 20-22, and 29-34 under 35 USC §103(a)

The Examiner has again rejected Claims 1, 3-6, 8-11, 13-16, 20-22, and 29-34 as being unpatentable over Vora et al. (U.S. Patent 5,623,652) in view of Cahill Jr. (U.S. Patent 5,428,784). Applicants continue to respectfully disagree and incorporate by reference Applicants arguments made in their "Response and Amendment Made with RCE" dated April 21, 2005. Applicants strongly urge the Examiner to revisit Applicants previously submitted arguments along with considering the further following comments.

Applicants have amended each independent claim in such a manner so as to more clearly present the scope of patent protection sought. Specifically, an important aspect of the present invention as described is to avoid the need to manually update information gathered about a person or company listed within one's electronic calendar. See Applicants' original Background section at page 2, lines 8-21. More generally, embodiments of the invention provide for updating search information related to a person or other entity, or object, in a calendar entry (p. 3, line 3-4 and 21-23).

The present invention overcomes this problem by automatically generating a search request, e.g. about a person or company listed within one's electronic calendar and updating the result of the search request in a pre-scheduled manner. Updating with regard to the search result is accomplished by modifying contents of a file of said electronic calendar by inserting one or more uniform resource locator (URL) links to a search result into the file of the electronic calendar. Such language is now specifically claimed in each independent claim. As mentioned above, clear support for this precise amendment to the Claims appears at least at page 12, lines 30-31 of the originally filed Specification. By modifying the electronic file contents in this manner, the calendar user can access the electronic calendar at any time and receive current information updates about a person or company listed within their electronic calendar.

The Examiner's primary rejection of the independent claims including Claims 1, 8-11, 20 and 29-32 includes an assertion that "[o]ne would have been motivated to use a calendar file in

U.S.S.N. 09/466,640
Final Office Action dated: June 2, 2005
Response dated: August 16, 2005

Page 12 of 15

Vora because Vora is concerned with improving searching for information in a local and internet network." Applicants respectfully disagree with the Examiners' logic and asserted motivation to combine these references. Cahill, Jr. pertains to a relatively narrow aspect of dynamic responses to an electronic message from an electronic calendar. Specifically, one's electronic calendar is updated via a network in regard to information about the event itself – i.e., user availability, time and place of meeting, ...etc. See col. 3, lines 14-32 of Cahill, Jr. There is no motivation or suggestion whatsoever that Cahill, Jr. generate a search request about a person or company listed within one's electronic calendar and modify a link within such electronic calendar. Cahill Jr. is only concerned with calendar-centric information – i.e., information regarding the event itself. The present invention updates the electronic calendar with regard to the search result and does so by modifying contents of a file of an electronic calendar by inserting one or more uniform resource locator (URL) links to a search result into the file of the electronic calendar. This is not found or suggested within Cahill Jr. nor Vora et al. taken alone or in combination. Moreover, Cahill Jr. involves the exchange of calendar scheduling information over a network and does not involve any search results related to any calendar object (i.e., a person or company listed within the electronic calendar). Accordingly, no proper motivation to combine appears to exist. Further, any combination of the two references fails to result in the present claimed invention.

Moreover, Applicants respectfully submit that, contrary to the Examiner's suggestions, Vora et al. fails to show or fairly suggest "searching" in the same manner as used by the instant invention. For example, searching by Vora et al. is limited to the information sources that are available on the specific server from which the user has requested that searching performed. Column 7, lines 52-57 of Vora et al. states that "the present invention allows the user of client computer system 33 to perform a further search which may involve different information sources which are not stored on the information server 55 and thus obtain results from that second search request while the first search request may still be pending." In contrast, the instant invention uses an Internet search engine to search a wide array of sources stored on numerous machines and hence does not suffer from the same constraints as Vora et al. Still further, it should also be noted that the term "searching" in Vora et al. is limited to the searching of the files and their elements within a server. In contrast, the present invention not only allows for such searching but also includes another type of searching where the values of object elements within a file can be dynamically updated with the search results received from a search engine.

U.S.S.N. 09/466,640
Final Office Action dated: June 2, 2005
Response dated: August 16, 2005

Page 13 of 15

While Applicants submit that Vora et al. fails to show or suggest the present invention, Applicants also respectfully submit that even, arguendo, a logical combination of Vora et al. and Cahill, Jr. would not lead one of ordinary skill in the art to the present invention. Rather, such a combination would lead to an arrangement that is clearly different from that of the present invention. Specifically, Applicants note that applying the search technique of Vora et al. to the software application of Cahill, Jr. as suggested by the Examiner would arguably provide a prescheduled search of calendar information in response to receipt of an email to determine information that may be used in an automated response to the email. This would be very different from Applicants' claimed invention in which the prescheduled search is not limited to calendar information on a particular server and in which the information resulting from the search is used to update calendar objects, not to compose automated email responses. Still further, the combination of Vora et al. and Cahill, Jr. so as to provide prescheduled searches of calendar information would be contrary to Cahill's purpose of providing the email sender with current information on the availability of the email recipient.

Applicants further submit that each independent claim has now been amended to make it readily apparent that the claimed invention modifies contents of a file of an electronic calendar by inserting one or more uniform resource locator (URL) links to a search result into the file of the electronic calendar. Accordingly, Claims 1, 3-6, 8-11, 13-16, 20-22, and 29-34, and by dependence also each claim dependent therefrom, each now contain clear features not shown or fairly suggested by the cited art. Applicants therefore respectfully submit these claimed features are not disclosed by Vora et al. nor are they obvious in view of any of the cited art in any combination with Cahill Jr. or the other cited art. Accordingly, Applicants submit that Claims 1, 3-6, 8-11, 13-16, 20-22, and 29-34 are allowable over this combination of references.

Rejection of Claims 23-28 and 35-44 under 35 USC §103(a)

The Examiner has rejected Claims 23-28 and 35-44 as being unpatentable over Vora et al., Cahill Jr., and further in view of Stark (U.S. Patent 5,935,210). Applicants respectfully disagree.

U.S.S.N. 09/466,640
Final Office Action dated: June 2, 2005
Response dated: August 16, 2005

Page 14 of 15

In order to avoid redundancies, Applicants have canceled Claims 25 and 26 in lieu of the additions made to Claims 20 and 32. Applicants herein incorporate the arguments made above in regard to the inapplicability of Vora et al. and Cahill Jr. taken alone or in combination with each other. As remaining Claims 23-24, 27-28, 35-36, and 38-44 properly depend from claims argued above, they are also respectfully submitted to be patentable over Vora et al. and Cahill Jr. with further reference to Stark. Specifically, nothing in Stark is believed to overcome the deficiencies with the Vora et al. and Cahill Jr. combination. Accordingly, Applicants submit that Claims 23-24, 27-28, 35-36, and 38-44 are allowable over this combination of references.

Conclusion

No fee is believed due for this submission. However, Applicant authorizes the Commissioner to debit any required fee from Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP. The Commissioner is further authorized to debit any additional amount required, and to credit any overpayment to the above-noted deposit account.

It is submitted that this application is now in condition for allowance, and action to that end is respectfully requested.

Respectfully submitted,

Laura Ann MAHAN et al.

By: 

Jeffrey M. Measures
Reg. No. 40,272
Borden Ladner Gervais LLP
World Exchange Plaza
100 Queen Street, Suite 1100
Ottawa, ON K1P 1J9
CANADA
Tel: (613) 237-5160
Fax: (613) 787-3558
E-mail: info@blgcanada.com

DRH/sum/sew